

BEEF INDUSTRY COUNCIL, IOWA[101]

Adopted and Filed

Pursuant to the authority of Iowa Code section 181.18, the Iowa Beef Industry Council hereby amends Chapter 1, "Organization and Operation," Chapter 2, "Rules of Practice," Chapter 3, "Excise Tax on Beef Sales," Chapter 4, "Election of Members," and Chapter 5, "Public Records and Fair Information Practices," Iowa Administrative Code.

2016 Iowa Acts, House File 2269, changed the name of the Iowa Beef Industry Council to the Executive Committee. The Iowa Beef Cattle Producers Association will continue to do business as the Iowa Beef Industry Council. The legislation reinstated the state beef assessment and required that refunds be requested within 90 days of collection. These adopted amendments reflect other changes to the membership of the Executive Committee and update the address.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2999C** on March 29, 2017. No comments were received from the public. The adopted amendments are identical to the noticed amendments.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 181.

These amendments will become effective June 28, 2017.

The following amendments are adopted.

ITEM 1. Amend the **Agency Name** as follows:

~~BEEF INDUSTRY COUNCIL~~ BEEF CATTLE
PRODUCERS ASSOCIATION, IOWA[101]

ITEM 2. Amend rule 101—1.1(181) as follows:

101—1.1(181) Iowa beef industry council composition Composition and purpose. The Iowa beef cattle producers association is doing business as the Iowa beef industry council. The Iowa beef industry council is provides oversight to the "executive committee" referred to in Iowa Code section ~~181.6(3)~~ 181.3. ~~It~~ The executive committee consists of eight ten members, two of whom serve ex officio and five of whom are elected and ~~one three~~ who is are appointed by the respective parties listed in that section. The council engages in market development for beef cattle and veal calves and their products, advances public relations for the beef cattle and veal calf industry, and administers the ~~excise tax~~ state assessment on beef cattle and veal calf sales imposed in Iowa Code chapter 181.

This rule is intended to implement ~~1986 Iowa Acts, House File 2379, section 3~~ Iowa Code chapter 181.

ITEM 3. Amend rule 101—1.2(181), introductory paragraph, as follows:

101—1.2(181) Officers. The officers of the Iowa beef industry council shall be as follows: Chair, vice chair, secretary, ~~and~~ treasurer and at large. Each officer shall be elected by a vote of the council. A term of office is one year.

ITEM 4. Amend rule 101—1.5(181) as follows:

101—1.5(181) Quorum. ~~Two-thirds of the council is six members.~~ A majority of the members eligible to vote shall constitute a quorum.

ITEM 5. Amend subrule 1.7(1) as follows:

1.7(1) ~~Transmittal~~ Monthly remittance form. This form is used to accompany the receipt of checkoff moneys to the council.

ITEM 6. Amend rule 101—2.1(181) as follows:

101—2.1(181) Public information. The public is invited to obtain information or make informal requests of the council by addressing these matters, either orally or in writing, to the Iowa Beef Industry Council, ~~123 Airport Road~~ P.O. Box 451, Ames, Iowa 50010; or at 2055 Ironwood Court, Ames, Iowa 50014.

ITEM 7. Amend subrule 2.3(2) as follows:

2.3(2) The petition shall be filed at the office of the council at ~~123 Airport Road~~ 2055 Ironwood Court, Ames, Iowa 50014; or by mail to P.O. Box 451, Ames, Iowa 50010.

ITEM 8. Amend rule 101—2.4(181), introductory paragraph, as follows:

101—2.4(181) Petition for adoption of rules. An interested person may file with the council a written request that the council adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Beef Industry Council, ~~123 Airport Road~~ P.O. Box 451, Ames, Iowa 50010, and shall include:

ITEM 9. Amend **101—Chapter 3**, title, as follows:

EXCISE TAX STATE ASSESSMENT ON BEEF SALES

ITEM 10. Amend rule 101—3.1(181) as follows:

101—3.1(181) Collection of ~~tax~~ assessment. All persons required to pay the ~~excise tax~~ state assessment under Iowa Code chapter 181 must remit to the council all ~~excise taxes~~ assessments collected during any calendar month, ~~no later than the last day of the month following that calendar month~~ by the fifteenth of the month following the end of the prior reporting period in which the cattle were sold pursuant to Iowa Code section 181.11(1).

ITEM 11. Amend rule 101—3.2(181) as follows:

101—3.2(181) Refunds. Refunds shall be paid by the council to any person from whom the ~~excise tax~~ state assessment is collected, upon timely application to the council as prescribed in Iowa Code section 181.12.

ITEM 12. Amend rule 101—3.3(181), introductory paragraph, as follows:

101—3.3(181) Applicable dates. A tax is considered “paid” or “remitted,” and a refund application is considered “filed” when made within 90 days after the assessment’s collection:

ITEM 13. Amend rule 101—3.4(181) as follows:

101—3.4(181) ~~Suspension of excise tax~~ Reinstatement of state assessment. The state assessment, levy, and collection of the excise tax under collected pursuant to Iowa Code chapter 181 is ~~suspended~~ reinstated effective March 1, 2017. All state assessment remittances shall be paid by the fifteenth of the month following the end of the prior reporting period in which the cattle were sold pursuant to Iowa Code section 181.11(1).

This rule is intended to implement Iowa Code section 181.7A.

ITEM 14. Amend rule 101—4.3(181) as follows:

101—4.3(181) Place of filing. Nomination petitions shall be filed with the Iowa Beef Industry Council, ~~123 Airport Road~~ P.O. Box 451, Ames, Iowa 50010.

ITEM 15. Amend rule 101—4.4(181) as follows:

101—4.4(181) Absentee ballot. Requests for absentee ballots may be made by producers by telephone, ~~telegram,~~ in person, or in writing to the Executive Director of the Iowa Beef Industry Council, ~~123 Airport Road~~ P.O. Box 451, Ames, Iowa 50010; or at 2055 Ironwood Court, Ames, Iowa 50014.

4.4(1) Absentee ballots shall be returned to the executive director of the Iowa beef industry council, and if returned by mail, shall be mailed with proper postage to the Executive Director of the Iowa Beef Industry Council, ~~123 Airport Road~~ P.O. Box 451, Ames, Iowa 50010.

4.4(2) Reserved.

ITEM 16. Amend 101—Chapter 5, introductory paragraph, as follows:

The Iowa beef industry council hereby adopts, with the following exceptions and amendments, rules of the Governor’s Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are ~~printed in the first volume of the Iowa Administrative Code~~ published at <https://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf> on the General Assembly’s Web site.

ITEM 17. Adopt the following new definitions in rule **101—5.1(17A,22)**:

“Cattle” means any live domesticated bovine animal regardless of age.

“Producer” means any person who owns or acquires ownership of cattle in this state. However, a person shall not be considered a producer if any of the following apply:

1. The person’s only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

2. The person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; resold such cattle no later than ten days from the date on which the person acquired ownership; and certified as required by the rules adopted by the executive committee.

“Purchase” occurs when a purchaser enters into a verbal or written agreement with a producer to accept delivery of cattle from the producer.

“Purchaser” means a person who purchases cattle from a producer.

ITEM 18. Amend subrule 5.3(1) as follows:

5.3(1) Location of record. In lieu of the words “(insert agency head)”, insert “executive director”. In lieu of the words “(insert agency name and address)”, insert “Iowa Beef Industry Council, ~~123 Airport Road~~ P.O. Box 451, Ames, Iowa 50010”.

ITEM 19. Amend rule 101—5.10(17A,22) as follows:

101—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: ~~excise tax state assessment~~ remittances identifying individual producers and the amounts remitted, refund requests from producers, and personal information in confidential personnel records. This information is collected pursuant to the authority of Iowa Code chapter 181 and is stored in the office files of the council office. ~~Personally identifiable~~ All information contained in ~~these records~~ the monthly remittance forms, private treaty forms, and refund requests submitted to the agency shall be confidential to the extent provided in Iowa Code section 22.7. However, appropriate Appropriate totals, summaries, aggregations, and other staff analyses of information contained in these files, when presented in a form not containing personally identifiable information, shall be public information.

[Filed 5/3/17, effective 6/28/17]

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